

# *DFEH News Brief*

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## **UNITED AIRLINES, ACCUSED OF DISCRIMINATING AGAINST DISABLED MECHANIC, SETTLES SUIT FILED BY DFEH**

**ELK GROVE, CA** -- The California Department of Fair Employment & Housing (DFEH) announced today that United Air Lines (UAL), without any admission of liability, has agreed to a six-figure out-of-court settlement involving alleged discrimination against a disabled aircraft mechanic at the company's maintenance facility at Los Angeles International Airport (LAX).

DFEH had filed suit in Los Angeles Superior Court, accusing UAL of barring Chester Stanley Krajzynski from his job as an aircraft mechanic because of his physical disability, failing to make reasonable accommodation to compensate for his injury, and failing to engage in the required interactive process (dialog) with an injured employee to seek ways to allow him to continue performing his job.

Rosario Marin, Governor Schwarzenegger's Secretary of State & Consumer Services, said, "California law makes it quite clear that companies operating in this state are required to make good faith efforts to find ways to keep injured employees on the job, if it can be accomplished without unreasonably disrupting business operations. It's simply good business to keep employees working and self-sufficient whenever possible – good for business, good for families and good for California."

Chester Stanley Krajzynski's foot was crushed in an on-the-job accident in February 1999, leaving him with a permanent disability. Six years after the accident, after extensive sick leave and unpaid leave, and after surgery, joint implants, rehabilitation and corrective footwear, his physician certified that, despite restrictions, he was again able to perform the essential functions of his job. The physician said Krajzynski was able to compensate by simply shifting his weight to the other foot whenever the injury became too painful.

But United Airlines, claiming that the physician's supplemental report contradicted what had been reported in earlier reports, barred Krajzynski from his mechanics job after he failed to apply for another position consistent with his medical condition. DFEH said that the physician had made it quite clear in earlier reports that Krajzynski was capable of performing the job.

In addition to the six-figure payment, the settlement calls for United Airlines to reinstate Krajzynski to his job as an aircraft mechanic after certain conditions are met, make available to its employees a DFEH booklet outlining an employer's legal obligations to disabled employees, review and, if necessary, modify a procedure for UAL employees to report discrimination or harassment, and train UAL medical and human resources personnel at LAX about when and how injured employees in United's LAX maintenance department should be allowed to return to work.

DFEH Director Phyllis W. Cheng said, "This case is a strong reminder that all California employers have a legal obligation to engage in an open and fair two-way dialog with injured employees to seek reasonable accommodations that will allow them to return to work whenever possible."

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